UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
COLIN, CARL G

ART UNIT	PAPER NUMBER
2436	

NOTIFICATION DATE	DELIVERY MODE
11/17/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 August 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2,3,6-10,12-20,22,24-35,37-41 and 47-56* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2,3,6-10,12-20,22,24-35,37-41 and 47-56* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8/12/2008*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Response to Arguments

1.   In response to communications filed on 8/12/2008, applicant amends claims 2, 9, 16, 24,

28, 31, and 39; cancels claims 21 and 36, the following claims 2, 3, 6-10, 12-20, 22, 24-35, 37-

41, and 47-56 are presented for examination.

2.   Applicant's arguments, filed on 8/12/2008, with respect to the art rejection of the claims

have been fully considered, but they are not persuasive. Applicant argues that McGee does not

disclose "the associated information comprising user-dependent association information and

indicating a second electronic document" as amended by referring to column 11, lines 19-32.

Examiner respectfully disagrees as this limitation was present in claim 9 and rejected by the

Examiner using column 6, lines 59-67 and column 6, lines 39-42. Applicant has not indicated

that this citation does not disclose the claim limitation. In addition, applicant misinterprets the

prior art by stating that the filter criteria is distinct to the verification element (hash) by

associating file filter criteria only to column 12, lines 29-36 (other filter criteria may include file

location). However, applicant fails to consider other identification data and registration data and

is directed to column 6, lines 19-67, column 11, lines 19-29 and column 12, lines 29-47; column

12, line 64 through column 13, line 37. Applicant has not overcome the rejection and the claims

remain rejected in view of the prior art.

Information Disclosure Statement

3.   The information disclosure statement (IDS) submitted on 8/12/2008 is being considered

by the examiner and initialed.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2-3, 6-10, 12-18, 22, 24-35, 37-41, and 47-56 are rejected under 35

U.S.C. 102(e) as being anticipated by US Patent 6,694,434 to **McGee et al**.

As per claim 2, **McGee et al** discloses a method comprising: *receiving a request to take*

an action with respect to a distributed electronic document (see column 11, lines 7-14 and lines

37-45); *identifying, in response to the request, information* (such as registration data but not

limited to) *associated with the distributed electronic document* (see column 12, lines 29-42), *the*

associated information comprising user-dependent information and indicating a second

electronic document (a new version) *different from the distributed electronic document* (see

column 12, lines 29-63; column 12, line 64 through column 13, line 37); **McGee et al** also

discloses receiving a request to take an action with respect to a distributed electronic document,

identifying, in response to the request, information (such as registration data but not limited to)

associated with the distributed electronic document (see column 6, lines 19-67), the associated

information comprising user-dependent information and indicating a second electronic document

(a new version) different from the distributed electronic document (see column 6, lines 19-67);

and imparting information concerning the second electronic document to force the action to be

taken with respect to the second electronic document (new version) (see column 12, lines 29-63).

McGee et al discloses the limitation of *wherein receiving the request comprises receiving, at a*

server, the request from a client to take the action with respect to the distributed electronic

document (see column 5, lines 13-40 and column 7, lines 63-67), *wherein the distributed*

electronic document is retained locally at the client (see column 11, lines 7-14), *identifying the*

associated information comprises identifying associated information retained at the server (see

column 5, lines 13-40 and column 9, lines 50-57), *and imparting the second document*

information comprises relating the second document information from the server to the client

(see column 12, lines 45-63).

As per claim 3, **McGee et al** discloses the limitation of wherein relating the second

document information comprises sending the second document information to the client to allow

the client to obtain the second document (see column 12, lines 45-63).

As per claim 6, **McGee et al** discloses the limitation of wherein relating the second document information comprises: obtaining the second electronic document and sending the second electronic document to the client (see column 12, lines 45-63).

As per claim 7, **McGee et al** discloses the limitation of wherein the second electronic document comprises a later version of the distributed electronic document (see column 12, lines 31-39), and the associated information comprises document-permissions information specifying that the action is not permitted with respect to the distributed electronic document at the client (see column 11, lines 36-57).

As per claim 8, **McGee et al** discloses the limitation of wherein the document-permissions information specifies access permissions at a level of granularity smaller than the distributed electronic document (see column 6, lines 59-67).

As per claim 9, **McGee et al** discloses password associated with document and further discloses identifying use at the client that meets the recitation of obtaining the second electronic document comprises identifying the second electronic document based on the user-dependent association information and an identified user at the client (see column 6, lines 59-67 and column 6, lines 39-42).

As per claim 10, McGee et al discloses the limitation of wherein obtaining the second electronic document further comprises generating at least a portion of the second electronic document based on the identified user (see column 6, lines 59-67 and lines 39-50).

As per claim 12, McGee et al discloses the limitation of wherein the distributed electronic document comprises a software program, the second electronic document comprises a later version of the software program, and the action comprises running the software program (see column 12, lines 45-63 and column 6, lines 59-67).

As per claim 13, McGee et al discloses the limitation of accessing the distributed electronic document at the client (see column 11, lines 7-14); identifying an address of the server and a document identifier in the distributed electronic document (see column 12, lines 57-67); sending the document identifier and the requested action to the server using the address (see column 12, lines 57-67 disclosing identification data is sent using the location information) and replacing the distributed document, at the client, with the second document (see column 12, lines 45-63 and column 2, lines 35-41 disclosing it is implicit that upgrading may include replacing).

As per claim 14, McGee et al discloses running the new version that meets the recitation of wherein replacing the distributed document comprises performing the action with respect to the second document (see column 12, lines 45-63 and column 2, lines 35-41).

As per claim 15, **McGee et al** discloses the limitation of wherein the second document includes the address of the server and a second document identifier, (see column 12, lines 57-67) and replacing the distributed document further comprises writing over the distributed document with the second document in a storage device (see column 12, lines 45-63 and column 2, lines 35-41 disclosing it is implicit that upgrading may include replacing or overwriting).

As per claim 16, **McGee et al** discloses a method comprising opening a locally retained distributed document (see column 11, lines 7-13); contacting a document control server identified from the distributed document (see column 12, lines 57-67 and column 12, lines 45-63); transmitting authentication information to the document control server (see column 6, lines 51 through column 7, line 14) and forcing use of a second document in place of the distributed document, with respect to at least one document action, based on information received from the document control server (see column 12, line 64 through column 13, line 37).

As per claim 17, **McGee et al** discloses the limitation of obtaining the second document based on the received information (see column 12, line 64 through column 13, line 37).

As per claim 18, **McGee et al** discloses the limitation of wherein the received information comprises the second document (see column 12, line 64 through column 13, line 37 and column 12, lines 45-63).

As per claim 22, **McGee et al** discloses the limitation of wherein the distributed electronic document comprises a software program, the second electronic document comprises a later version of the software program, and the at least one document action comprises running the software program (see column 12, line 64 through column 13, line 37 and column 12, lines 45-63).

As per claim 24, **McGee et al** discloses a software product tangibly embodied in a machine-readable medium, the software product comprising instructions operable to cause one or more data processing apparatus to perform operations comprising: *receiving a request to take an action with respect to a distributed electronic document* (see column 11, lines 7-14 and lines 37-45); *identifying, in response to the request, information* (such as registration data but not limited to) *associated with the distributed electronic document* (see column 12, lines 29-42), *the associated information comprising user-dependent information and indicating a second electronic document* (a new version) *different from the distributed electronic document* (see column 12, lines 29-63; column 12, line 64 through column 13, line 37); **McGee et al** also discloses receiving a request to take an action with respect to a distributed electronic document, identifying, in response to the request, information (such as registration data but not limited to) associated with the distributed electronic document (see column 6, lines 19-67), the associated information comprising user-dependent information and indicating a second electronic document (a new version) different from the distributed electronic document (see column 6, lines 19-67); *and imparting information concerning the second electronic document to force the action to be taken with respect to the second electronic document* (new version) (see column 12, lines 29-63).

McGee et al discloses the limitation of *wherein receiving the request comprises receiving, at a server, the request from a client to take the action with respect to the distributed electronic document* (see column 5, lines 13-40 and column 7, lines 63-67), *wherein the distributed electronic document is retained locally at the client* (see column 11, lines 7-14), *identifying the associated information comprises identifying associated information retained at the server* (see column 5, lines 13-40 and column 9, lines 50-57), *and imparting the second document information comprises relating the second document information from the server to the client* (see column 12, lines 45-63).

As per claim 25, McGee et al discloses the limitation of wherein relating the second document information comprises sending the second document information to the client to allow the client to obtain the second document (see column 12, lines 45-63).

As per claim 26, McGee et al discloses the limitation of wherein relating the second document information comprises: obtaining the second electronic document; and sending the second electronic document to the client (see column 12, line 64 through column 13, line 37).

As per claims 27-30, these claims recite similar limitations to claims 7, 9, 10, and 12 respectively except for incorporating the claimed method into a software product, and therefore they are rejected on the same rationale as the rejection of claims 7, 9, 10, and 12 above.

As per claims 31-35 and 37-38, these claims recite similar limitations to claims 16-20, 8, and 22, respectively, except for incorporating the claimed method into a software product, and therefore they are rejected on the same rationale as the rejection of claims 16-21, 8, and 22 above.

As per claim 39, **McGee et al** discloses a system comprising: a client operable to send a request to a server when an action is to be taken with respect to a distributed electronic document local to the client (see column 11, lines 7-14 and lines 37-45); a server operable to receive the request, and in response to the client, the server being operable to identify information associated with the distributed electronic document, (see column 12, lines 29-42), the associated information comprising user-dependent information and indicating a second electronic document (a new version) different from and associated with the distributed electronic document (see column 12, lines 29-63; column 12, line 64 through column 13, line 37); (see also column 6, lines 19-67), the server being operable to relate information concerning the second electronic document to the client to force the action to be taken (see column 12, line 64 through column 13, line 37 and column 12, lines 45-63).

As per claim 40, **McGee et al** discloses the limitation of wherein the server comprises: a server core with configuration and logging components (see column 4, lines 14-34); an internal services component that provides functionality across dynamically loaded methods and dynamically loaded external service providers, including one or more access control service providers (see column 4, lines 14-34).

As per claim 41, **McGee et al** discloses as interpreted by the Examiner **McGee et al** discloses a central distribution server associated with different servers that meets the recitation of a business logic tier comprising a cluster of document control servers, including the server (see column 4, lines 14-34 and column 10, lines 61-67); an application tier including the client comprising a viewer client (user interface) (see column 12, lines 19-25), a securing client (see fig. 1), and an administration client (see fig. 1); and a load balancer that routes client requests to the document control servers (see column 13, lines 20-29).

As per claim 47, **McGee et al** discloses the limitation of wherein the document-permissions information specifies access permissions at a level of granularity smaller than the distributed electronic document (see column 6, lines 59-67).

As per claim 48, **McGee et al** discloses the limitation of wherein the document-permissions information specifies access permissions at a level of granularity smaller than the distributed electronic document (see column 6, lines 59-67).

As per claim 49, **McGee et al** discloses the limitation of accessing the distributed electronic document at the client (see column 11, lines 7-14); identifying an address of the server and a document identifier in the distributed electronic document (see column 12, lines 57-67); sending the document identifier and the requested action to the server using the address (see column 12, lines 57-67 disclosing identification data is sent using the location information)' and

replacing the distributed document, at the client, with the second document (see column 12, lines 45-63 and column 2, lines 35-41 disclosing it is implicit that upgrading may include replacing).

As per claim 50, McGee et al discloses the limitation of wherein replacing the distributed document comprises performing the action with respect to the second document (see column 12, lines 45-63 and column 2, lines 35-41).

As per claim 51, McGee et al discloses the limitation of wherein the second document includes the address of the server and a second document identifier, (see column 12, lines 57-67) and replacing the distributed document further comprises writing over the distributed document with the second document in a storage device (see column 12, lines 45-63 and column 2, lines 35-41 disclosing it is implicit that upgrading may include replacing or overwriting).

As per claim 52, McGee et al discloses the limitation of wherein the second electronic document comprises a later version of the distributed electronic document (see column 12, lines 31-39), and the associated information comprises document-permissions information specifying that the action is not permitted with respect to the distributed electronic document at the client (see column 11, lines 36-57).

As per claim 53, McGee et al discloses the limitation of wherein the document-permissions information specifies access permissions at a level of granularity smaller than the distributed electronic document (see column 6, lines 59-67

As per claim 54, **McGee et al** discloses the limitation of wherein the associated

information comprises user-dependent association information indicating the second electronic

document, and the server is operable to identify the second electronic document based on the

user-dependent association information and an identified user at the client (see p column 6, lines

59-67 and column 6, lines 39-42).

As per claim 55, **McGee et al** discloses the limitation of wherein the server is operable

to generate at least a portion of the second electronic document based on the identified user (see

column 6, lines 59-67 and lines 39-50).

As per claim 56, **McGee et al** discloses the limitation of wherein the client is operable

to identify an address of the server and a document identifier in the distributed electronic

document (see column 6, lines 59-67 and lines 39-50); send the document identifier and the

requested action to the server using the address (see column 6, lines 59-67 and lines 39-50); and

replace the distributed document, at the client by writing over the distributed document with the

second document in a storage device (see column 12, lines 45-63 and column 2, lines 35-41

disclosing it is implicit that upgrading may include replacing or overwriting).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,694,434 to **McGee et al**

As per claim 19, McGee et al substantially discloses the limitation of wherein the second document comprises a later version of the distributed document, and forcing use of the second document (see column 12, lines 45-63 and column 12, line 64 through column 13, line 37). **McGee et al** does not explicitly disclose transparently closing the distributed document and opening the second document. Examiner takes official notice that in Windows application to perform an upgrade, the old version of the application is closed, upgraded, then the new version is subsequently opened. This feature is very well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to transparently closing the distributed document and opening the second document because it would allow files to be replaced or overwritten and not corrupted on the old version by closing it as known in the art.

As per claim 20, McGee et al discloses the limitation of wherein forcing use further comprises transparently overwriting the distributed document with the second document (see column 12, lines 45-63 and column 2, lines 35-41 disclosing it is implicit that upgrading may include replacing or overwriting).

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

6.1   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CARL COLIN whose telephone number is (571)272-3862. The

examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300. Information

regarding the status of an application may be obtained from the Patent Application Information

Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available

through Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from

a USPTO Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carl Colin/
Primary Examiner, Art Unit 2436
November 9, 2008